



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAIME GOODMAN,

Plaintiff,

vs.

MERRILL LYNCH & CO. INC.

MERRILL LYNCH, PIERCE,

FENNER & SMITH &

BANK OF AMERICA CORPORATION,

Defendants.

Civil Action No. 09 Civ. 5841(SAS)

Judge Shira A. Scheindlin

WHEREAS, on March 11, 2010 Plaintiff served a third party subpoena on Morgan Stanley Smith Barney LLC ("Morgan Stanley") seeking, among other things, a list of client accounts and the asset value and production associated with the accounts serviced by James Schwantner and/or Kyle Kithcart while employed by Defendant Merrill Lynch, Pierce, Fenner and Smith, and, thereafter, while employed at Morgan Stanley, and

WHEREAS, Morgan Stanley has objected to producing client information on the grounds that the Financial Services Modernization Act of 1999 imposes on brokerage firms a duty to protect the security and confidentiality of its clients' non-public personal information, including the names of those clients, absent a court order compelling disclosure; and

WHEREAS, the Court having considered the arguments of Plaintiff in support of its petition for an order authorizing Morgan Stanley to produce the requested information including the disclosure of client names and for good cause shown;

IT IS HEREBY ORDERED that Morgan Stanley is to produce to Plaintiff the client information sought by her subpoena including, but not limited to, the list of client accounts, identity of clients and the asset value and production associated with the accounts;

IT IS FURTHER ORDERED that Morgan Stanley shall produce the documents identified herein within ten (10) days of service of Notice of Entry of this Order on Morgan Stanley.

SO ORDERED:

SHIRA A. SCHEINDLIN
United States District Judge

4/2/10